

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
October 7, 2014**

Members Present:

Diana Doutre

Lyle Holmgren

Jeff Reese

Bret Rohde

Byron Wood

Roger Fridal, Mayor

Shawn Warnke, City Manager

CITY COUNCIL WORKSHOP

Mayor Fridal called the October 7, 2014 City Council Workshop to order at 6:01 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke. The following Department Heads were also present: Police Chief David Nance, and Treasurer Sharri Oyler. Also in attendance was: Accounts Payable Clerk Cynthia Nelson. Recorder Hess was excused.

1. Review of agenda items on the 7:00 p.m. Council Meeting:

The Council reviewed the October 8, 2014 Agenda with the following items being discussed in more detail:

Crump Reese Motors Application to purchase City land – Manager Warnke stated that the Land Use Authority Board reviewed the Crump Reese Motors application and determined and classified this five acre parcel of land on 2000 West as “significant” so in accordance with City ordinance, the City Council needs to hold a Public Hearing, which will be held this evening. The authorizing Resolution outlines parameters for the disposal of this property. Shawn Croney (C&R Auto and Trailer Sales) is present, as well, and has submitted an application for the City to dispose of five acres of ground of City property to their business.

The City does receive inquiries from individuals interested in City owned property, and the City Council has never declared a formal policy that relates to use of City property on 2000 West. The Council has talked about it from time to time and identified this property as something that would be used for economic development, but there are a lot of people who ask for that consideration.

One thing the Council could do is actually adopt a Resolution which identifies certain parameters where the Council would consider the disposal of property so that as applications are received, decisions can be made in accordance with a public policy

defined by Resolution. That is not a requirement as far as the State Code, but something the Council might want to consider.

The Land Use Authority Board also reviewed C&R Auto and Trailer Sales application. They did apply for the same five acres as Crump Reese, but it is Manager Warnke's understanding that they would consider going north. That property was also determined to be significant.

The City approved a plat amendment contingent upon Rocky Mountain Power, as a property another property owner, accepting and participating in giving their consent to change property lines. Manager Warnke has been in communication with the Rocky Mountain Power representatives. Manager Warnke anticipate that Rocky Mountain Power will participate and give consent to amend the plat.

There are some conditions stipulated within Resolution No. 14-50. If the Council is in favor of disposing of the property, an Agreement would be drafted formalized for the disposal of the property through a real estate purchase agreement. The Resolution just sets the parameters.

Manager Warnke explained that Title 8. City Property of the Revised Ordinances allows the City Council to determine if they want to hold a Public Hearing. After going through this process and to expedite the process, he would like to propose changes to Title 8. The City Council could have decided not to hold a Public Hearing, but Manager Warnke anticipated that there is no harm in holding a Public Hearing.

The Council's decision is whether or not they want to dispose of the property by approving Resolution No. 14-50. If the Council chooses, a public policy, which is adopted by Resolution, could be adopted whereby the City Council sets the parameters of what property the Council would consider disposing. More and more requests for land are anticipated until the City no longer owns land. If the property is sold, it should be to a company or industry which adds value to the community.

Last year, an industry was strongly considering building a \$25M facility on the property that Tremonton City owns on 2000 West. This industry would have also had a high taxable value in personal property and add a couple hundred new jobs. So, the Council needs to consider the highest and best use of the property. Unfortunately, the property right across the street from the subject five acre parcel is being listed for \$130K and this could prevent potential economic development projects.

Councilmember Rohde asked if the Council is interested in acquiring more property at this point. There are quite a few acres of property just east of the Freeway and west of the hospital. There is the possibility of picking some of that property up.

Manager Warnke responded that he thinks it will be in the best interest of the City to look for property outside of the current City growth area, as there is a greater chance that the City would be able to be offered to purchase the property.

Amendment of City Budget – Manager Warnke stated that a lot of the revenue and expense changes proposed in the budget are for grants that the Staff has done a great job in acquiring. Manager Warnke highlighted a few of the more significant amendments other than grants:

- It is being proposed that money be transferred out of the Capital Project Fund to undertake originally budgeted projects that the Finance Director feels are more maintenance related projects and less capital projects. For that reason, it is suggested that the money be transferred to the General Fund.
- It is proposed that the tennis courts be resurfaced out of the original budget and that the chain link fencing be replaced and the posts be painted at the same time.

Councilmember Dautre commented that she likes the idea of using half of the tennis courts as pickleball courts.

Manager Warnke stated that additional funds necessary to undertake the proposed projects in the General Fund will be transferred over to some Capital Project Funds. Additionally, the City is anticipated to be about \$5,000 under budget on the Senior Center Parking Lot. Some of those funds will be transferred from the Capital Project Funds to the General Fund.

Councilmember Rohde asked if there are other projects that have been earmarked for the Capital Projects money. Manager Warnke replied that the City has a prioritized list of Capital Projects. There are Funds set up for certain projects. For example, the Parks Capital Projects Fund. All of the Capital Projects are budgeted within the Enterprise Fund for specific facilities.

Mayor Fridal commented that he was talking to Jan Rhodes, Box Elder County Fairgrounds. The gym floor has been laid in the big building. They will be putting bleachers in it very soon and they will have basketball courts. Apparently she is communicating with Recreation Director Christensen. It is anticipated that by January or February that area will be used for basketball. Ms. Rhodes told Mayor Fridal that there will be room for five or six pickleball courts in that building, as well. Offering pickleball is a good idea, but there is no use for the City to duplicate something that the County is already doing.

Councilmember Holmgren informed the Council that the big building at the Fair Grounds is set up so the building can be used for multiple purposes.

Councilmember Rohde commented on having seen a report on NBC where a community was playing wiffle ball on small baseball fields. It was amazing the turn out they were getting.

- Manager Warnke told the Council that the General Fund will transfer \$150K to the Fire Fund to overcome an interpretation of the State Auditor's Office regarding the consequence of a negative cash balance in the Fire Department Fund.

Councilmember Reese asked if the Fire Department is paying their way. Manager Warnke replied, "Barely." This year they are not. Part of that is due to the fact that when the City changed from an annual payment of the Fireman's wages to bi-weekly, it resulted in a year and a half of wages that came out of last year's budget. All things considered, they are doing pretty good. It would be nice to get this Fund self-sustaining. There are a lot of Capital Projects for the Fire Department with equipment, etc., and, at some point, it is contemplated that the City will build another Fire Station.

- The grade of the 10th North Road had to be changed based upon the design associated with the reconstruction of this road. This impacted a culinary water line under the 10th North Road. It is being proposed that the water line's vertical alignment be lowered and the new line upsized to meet the project future demands. The cost for this will be \$150K. It will change the alignment and is supposed to meet the projected growth in that area.

Mayor Fridal commented that the Bear River Conservancy District has water out in Bothwell. They can pump lots of water, but their ten inch water line is not adequate to deliver water to Tremonton. It just makes sense for the City to plan ahead for the future and upsize the water line.

Councilmember Rohde stated that these two projects total \$300K and asked how that was going to affect the General Fund. Manager Warnke responded that Staff is anticipating somewhere around \$800K of Revenue above expenses in the General Fund last year. The \$150K for the water project will be funded by the Water Fund.

Councilmember Doutre asked if the City has anything in the works with the Federal Government for funding for the remainder of 10th North Road. Manager Warnke replied that the City receives funding through the Small Urban Communities. Tremonton just has to wait their turn for the funds in the future. The City's turn came up and that is why this project is being done. Hopefully, in other five or six years the City can get additional funding to continue the reconstruction of 10th North Road.

Councilmember Dautre questioned whether 10th North will sustain the people that are on it. Parts of the road are falling away and it is becoming quite dangerous. She wondered if the Staff should take a look at that. There are times when two semi-trucks are passing on that road and, in her opinion the road isn't wide enough for that. Manager Warnke said he would look into it.

Ambulance Report – Treasurer Oyler stated that the ambulance report is something that she has to turn into the State every year. Councilmember Rohde asked if she is seeing an increase in the amount of ambulance write offs. Treasurer Oyler responded that she is. Councilmember Rohde asked about the new service that was talked about where Life Flight would take over the billing of the ambulance services and reimburse Tremonton City for that. It seems this would reduce the City's write-offs. Treasurer Oyler replied that she has heard about it but nothing has been implemented.

There was a discussion about whether there have been any complaints about the material that is being put in the Recycle Cans. It was suggested that what is acceptable for recycling should be imprinted on the side of the cans.

Warrant Register – Councilmember Dautre asked what the check to American Security Title was for. Manager Warnke replied that it was for Title Insurance and payment for a conservation easement that was recently purchased. The \$45K was paid from the Park Fund along with the grant funds that were received. The conservation easement was appraised at \$150K. Holmgren Properties donated the difference between the price paid and the appraisal.

Resolution No. 14-46 amending Section X of the Personnel Policies and Procedures Manual – Manager Warnke said he would include the report on **Resolution No. 14-47 amending Section V of the Personnel Policies and Procedures Manual** at the same time. Recently the Council approved some amendments on Sexual/Gender Harassment whereby the process and procedures were clarified. Some of that information related to Section X Record Keeping, specifically the element of confidentiality and how the files associated with those types of complaints would be handled. In Section V, Sexual/Gender Harassment, a couple of points were clarified. The first is Disciplinary Action. If the City determines that there is significant misconduct, discipline can be applied. Anyone accused of sexual harassment has the right to see all of the evidence and understand who has made the complaint.

Letter to Garland City regarding increases to Wastewater Treatment Fees – Manager Warnke stated that, though it is not necessarily included in the current Agreement with Garland, the contemplated Agreement states that we will give Garland 90 days notice before raising Wastewater Treatment Fees.

Mayor Fridal said increases are planned for the next couple of years, and asked if Garland knows that. Manager Warnke said that it wasn't included in the letter, but it could be added. Councilmember Wood said that he spoke with Garland Councilmember Todd

Miller the other day. Councilmember Miller was told that the rate is going to go up to \$1.74 now and over the next eight to ten years it will be increased another \$6 to \$8 like the Council talked about. The other day, the paper said that Tremonton was going to increase the Wastewater Treatment Fees \$8.00 or \$10 in two years. Mr. Miller claimed that the Garland City Council never did believe that. He has a pretty good understanding of where Tremonton is and what is being planned. He definitely knows the City is going to increase the fee immediately.

Manager Warnke explained that the other thing that is included in the letter is the increase of Impact Fees. The Staff talked with the Garland Wastewater Treatment representative, Eric Holton and Councilmember Miller and told them that Tremonton is moving forward and hoping to implement these increases in the upcoming quarter of 2015 and hoped they would adopt the same impact fee increases.

Councilmember Wood stated that when he visited with Councilmember Miller the other day, he said that Tremonton is still their first option for wastewater treatment. It was a good visit. He realizes that Garland has Tremonton's blessing. If they want to build their own Wastewater Treatment Plant, that is fine with Tremonton.

Motion by Councilmember Holmgren to move into Closed Session. Motion seconded by Councilmember Dautre. Roll Call Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The Council moved into closed session at 6:43 p.m.

2. **CLOSED SESSION:**

- a. **Strategy session to discuss pending and/or reasonably imminent litigation and the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms**

Councilmember Reese left the Closed Session at 6:48 p.m.

Motion by Councilmember Rohde to return to open meeting. Motion seconded by Councilmember Dautre. Roll Call Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The Council returned to open session at 7:00 p.m.

Councilmember Reese returned at 7:01 p.m.

The meeting adjourned at 7:01 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the October 7, 2014 City Council Meeting to order at 7:08 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke. The following Department Heads were also present: Fire Chief Steve Batis, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Also in attendance was: Accounts Payable Clerk Cynthia Nelson. Recorder Hess was excused.

1. Opening Ceremony:

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Chief Nance and the Pledge of Allegiance was led by Treasurer Oyler.

2. Introduction of guests:

Mayor Fridal expressed his appreciation to all those in attendance at this evenings City Council Meeting. He welcomed Shauna Barfuss with the New Hope Crisis Center, Ronnie Croney and Shawn Croney with C&R Auto, Coby Reese and Ron Crump with Crump Reese Motors, Connie Archibald representing the Box Elder School District and the Bear River Chamber of Commerce, Jessica Tanner, the Leader, and citizen Mike Ransom.

3. Approval of Agenda:

Motion by Councilmember Holmgren to approve the agenda of October 7, 2014. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

4. Public comments: Comments limited to three minutes:

Shawn Croney said that he and his brother, Ronnie, own C&R Auto here in Tremonton. They need to expand their business and are looking for ground. They are hoping they can get some help from the City Council. The one piece of available property on Main Street is too expensive. They could go to Brigham City for the same price. They would like to keep C&R Auto in Tremonton. They aren't trying to push anyone else out of anything. They have contributed to the City and Mr. Croney feels that they should also get an opportunity to have some help to stay here. Mr. Croney stated that they have put a letter together so the Council will know what they are trying to do. If anyone knows of any other land, they need a minimum of seven acres that is close to a freeway access.

C&R Auto currently has 20 acres of ground. They were close to acquiring the Five Star piece of property, but the price was raised and the deal fell through. The C&R Auto business has been building momentum since 2005. In 2011 they decided they needed to step up the business and make a better showing in town before someone else comes in. A high-end horse trailer line has been added to their business.

Ron Crump, speaking for Crump Reese Motors, stated that he would like to present their case. Crump Reese Motors has met with the Planning Commission, Rocky Mountain Power, submitted the applications, and this has been going on for a year. They are well into this process. Based on C&R's need for seven acres, this five acre piece won't work if they can't acquire the Five Star Trailer piece. The five acres Crump Reese Motors wants won't work for C&R Auto because it is bounded by Rocky Mountain Power. That piece of ground is constrained. He asked the City Council to not back out and start over. He requested that the City Council approve the application as previously submitted. Crump Reese Motors appreciates what the City has done for them and feels that the partnership between business and the City works well in this community. Crump Reese Motors employs twenty-eight people. They hope this works out for everyone.

5. Public Hearing:

Mayor Fridal called a Public Hearing to order at 7:18 p.m. to consider disposing of 5 acres of City owned property on 2000 West. There were ten people in attendance.

- a. To consider an application submitted by Crump Reese Motors to dispose of 5 acres of real property owned by Tremonton City. More specifically, Crump Reese Motors wants to purchase 5 acres owned by Tremonton City located at approximately 118 North and 2000 West, Tremonton, Utah

Manager Warnke informed the public that the City has an Ordinance relative to considering the disposal of City property. Both C&R Auto and Crump Reese Motors have submitted an application for consideration. It is a discretionary decision by the Council. There are some guidelines within the State Code which was followed in framing the City's Ordinance, the City Council previously approved. Both the Crump Reese Motors and the C&R Auto applications have been reviewed by the Land Use Authority Board and the Land Use Authority Board recommended that the City Council hold this Public Hearing because it is believed that the five acre parcel is a "Significant" piece of property as defined in the City's Ordinance. For that reason, it is appropriate to receive public comment on contemplating the disposal of these five acres and potentially more for C&R Auto.

Councilmember Holmgren requested that the status of Rocky Mountain Power be reviewed one more time. Manager Warnke responded that plat amendment has

created a five acre parcel of ground for which both C&R and Crumps have submitted an application. There is another four and a half acres that Rocky Mountain Power owns. The plat amendment was approved by the City Council conditioned upon Rocky Mountain Power also approving as they are a property owner on the original plat. It is Manager Warnke's understanding that all the documents are on either Rocky Mountain Power's Vice President or President's desk for consideration. It has been about a month and a half since the City Council approved the plat amendment. The City is just waiting for Rocky Mountain Power's response.

Councilmember Rohde asked if Rocky Mountain Power has been approached about selling their piece of property back to the City. Manager Warnke replied that it is his understanding that they would and for the price they originally paid for it. Rocky Mountain Power purchased the property in the 2008-2009 timeframe.

Councilmember Holmgren asked if Rocky Mountain Power would consider swapping property with the City. Manager Warnke said he thinks they would probably do that. They don't have an organizational purpose for that property.

There were no public comments. Mayor Fridal closed the Public Hearing at 7:23 p.m.

Mayor Fridal called a Public Hearing to order at 7:24 p.m. to consider amending the Budget. There were ten people in attendance.

- b. To consider amending the Annual Budget entitled "The Tremonton City Annual Implementation Budget 2014-2015 (General Fund, Capital Fund(s), Enterprise Fund(s), and Special Fund(s))", for the period commencing July 1, 2014 and ending June 30, 2015

Manager Warnke stated that the budget process allows for amendments throughout the year. This is the City's first amendment for this fiscal year. A lot of grants have been obtained resulting in related revenue and expense items. There are some significant Capital Project items proposed with the budget amendment which includes: resurfacing of the tennis courts on the Civic Center Block, electrical upgrades at City facilities and parks; the City is in need of changing the vertical alignment of the water line on 10th North as part of the road project; transferring \$150K from the General Fund to the Fire Fund to help that Fund become more healthy.

Mayor Fridal asked if the generator project is part of the \$150K transfer to the Fire Department. Manager Warnke replied that that is an additional \$10K. The Fire Station, the Civic Center, and the Police Station are all on that same transfer switch and available to receive generated power if needed. Mayor Fridal commented that this project is a smart move on the City's part. Several years ago,

the Council and some of the City Staff went to Emmitsburg, MD, for emergency preparedness training. One of the things that was stressed is having an alternate power source that the City can hook up to in case of an emergency.

There were no public comments. Mayor Fridal closed the Public Hearing at 7:26 p.m.

6. Proclamation:

a. Domestic Violence Month – New Hope Crisis Center

Shauna Barfuss, the Education and Outreach Coordinator for the New Hope Crisis Center thanked Chief Nance and the Police Department for the support the Center gets from them. Ms. Barfuss reported on the success the Center has had in helping victims of domestic violence or sexual assault. One in three girls will be a victim of domestic violence or sexual assault in their life.

Ms. Barfuss read a Proclamation declaring October as Domestic Violence Month in Tremonton, Utah.

Councilmember Dautre commended the New Hope Crisis Center on the job they are doing and said that the City Council is thrilled to help them in any way they can.

Motion by Councilmember Reese to support Mayor Fridal in signing the Proclamation. Motion seconded by Councilmember Dautre. Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The Proclamation was signed by Mayor Fridal.

Ms. Barfuss informed the Council of two upcoming events. A walk called Walk a While in a Victim's Shoes which will be held on October 14th starting at the Tremonton City Office at 5:00 p.m. Another walk will be held in Brigham City on October 16th at 6:00 p.m. It will be a candlelight vigil.

7. Oath of Office

a. Youth City Council

The Oath of Office was not administered to Youth City Councilmembers as the City Recorder was not in attendance.

8. Department Head Reports:

- a. Annual Ambulance Report – Sharri Oyler, City Treasurer

Treasurer Oyler presented the Council with the Ambulance Report which must be prepared each year and filed with the State.

- b. 1 Year Anniversary of Recycling Report – Sharri Oyler, City Treasurer

Treasurer Oyler stated that it has been a year since the City has been doing recycling so her Department ran a report to see how things are going. Mayor Fridal noted that the amount of recycled goods runs around twelve to thirteen tons per month. About 51% of the households in Tremonton are participating in the recycling program.

9. New Council Business:

- a. Discussion and consideration of approving the August 2014 Warrant Register.

Motion by Councilmember Wood to approve the August 2014 Warrant Register. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of approving the August 2014 Financial Statement.

Motion by Councilmember Holmgren to approve the August 2014 Financial Statement. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of adopting Resolution No. 14-46 amending Section X: Record Keeping of the Tremonton City Personnel Policies and Procedure

Manager Warnke stated most of the proposed amendments are just housekeeping items.

Motion by Councilmember Reese to adopt Resolution No. 14-46. Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- d. Discussion and consideration of adopting Resolution No. 14-47 amending Section V: Sexual/Gender Harassment of the Tremonton City Personnel Policies and Procedure

Motion by Councilmember Holmgren to adopt Resolution No. 14-47. Motion

seconded by Councilmember Doutre. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration of adopting Resolution No. 14-48 amending the Annual Budget entitled “The Tremonton City Annual Implementation Budget 2014-2015 (General Fund, Capital fund(s), Enterprise Funds(s), and Special Funds(s)) for the period commencing July 1, 2014 and ending June 30, 2015 amending the FY2014-2015 Budget

Motion by Councilmember Doutre to adopt Resolution No. 14-48 amending the annual Budget. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - abstain, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- f. Discussion and consideration of adopting Resolution No 14-49 repealing Resolution No. 14-39 reaffirming, amending, and enacting new fees and fines associated with Wastewater Treatment Services in a schedule entitled Tremonton City Consolidated Fees and Fines Schedule and provisions for the collection of the fees

Manager Warnke explained that for some time there have been discussions with the Council about the need to increase Wastewater Treatment fees. The Fund 52 Wastewater Treatment Plant Fund is not currently at a very sustainable level, especially considering the high demand for Capital Projects that are anticipated in the future, and the future regulatory requirements that it is anticipated will accompany the treatment of wastewater. As a result, the Staff is recommending that there be an increase of \$1.75 to the base rate which will raise that rate from \$18.30 to \$20.05. There would also be a \$0.10 increase in the commercial/industrial overage rate. Right now the overage is at \$0.75 and it would increase to \$0.85. For those industries with which the City has Pre-treatment Agreements, those rates will increase \$0.10 and \$0.05 per pound associated with the BOD and TSS strengths.

Councilmember Reese brought out that it was discussed in last week’s Work Session that this is the minimum rate increase that is needed.

Councilmember Rohde commented that the last Utility Fee for wastewater treatment was done in the 1990’s. It is time to look at that, again.

Manager Warnke noted that this Resolution takes effect ninety days from passage, so that will be for the billing that goes out in January. It is also being contemplated that the Impact Fee be increased the first quarter of 2015. The connection fee to the sewer main is not anticipated to be increased.

Councilmember Holmgren commented that this rate increase will also affect the citizens of Garland. That is another reason for waiting the ninety days to impose the increase – so Garland will have adequate notice. They know it is coming.

Motion by Councilmember Rohde to adopt Resolution No. 14-49 as stated.

Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- g. Discussion and consideration of sending a letter to Garland City informing them of increases to Wastewater Treatment Fees

Motion by Councilmember Holmgren to send a notice to Garland that the rates are going to be increasing.

Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration of adopting Resolution No. 14-50 authorizing the disposal of approximately five (5) acres of Tremonton City owned property located at approximately 118 North 2000 West in Tremonton, Utah to Crump Reese Motors

Councilmember Reese stated that he would like to abstain from this vote.

Manager Warnke called the Council's attention to the Resolution that has been drafted. There are several conditions that are currently within this Draft Resolution which are subject to change by the Council.

Condition No. 1 is that Crump Reese Motors construct their dealership within the incorporated limits of Tremonton City by January 1, 2018. This date is used as a place holder. If Crump Reese would like to speak to that date, this would be the appropriate time. If they don't construct their dealership by the specified time, the property would be deeded back to Tremonton City for the same price that Crump Reese paid. Manager Warnke noted that the Resolution doesn't say that Crump Reese would have to build on that parcel of property, necessarily.

Condition No. 2 is really just a point of clarification, regardless of whether the property is sold or not. Anyone who develops a commercial or industrial building within Tremonton City is required to go through a defined process and pay all the impact fees and fee-in-lieu payments for the development of roads, sidewalks, and gutters.

Condition No. 3 is that Crump Reese will pay a certain amount per acre. That amount is to be determined by the Council. The amount is left blank.

Condition No. 4 is that Rocky Mountain Power approves and signs the associated documents necessary to create the five acres of parcel as configured in Exhibit “B”.

Condition No. 5 is meant to formalize all the terms and conditions and, potentially, a few others, in a formal agreement that will be recorded with the property. If the Council approves this Resolution, the Staff will work with Crump Reese and come up with a formal agreement that includes the transferring of the land that will be recorded with the property.

Crump Reese Motors is seeing these conditions for the first time tonight.

Ron Crump said that the only Condition he would like to address is the timeline. When a franchise moves its location, it is extremely involved with General Motors (GM). They have approval of the building design, architect, etc. It is very involved and it takes a long time. Frankly, three years is not enough to get this through General Motors and through the construction process. Mr. Crump asked that the date of January 1, 2018 be extended to January 1, 2020.

Manager Warnke said that the Council may want to consider using a time after construction that Crump Reese has a Building Permit or something like that. Mr. Crump said that he could do that by January 1, 2020. Manager Warnke added that another thing that could be done would be to allow a little latitude so Crump Reese could extend the time. Then if there becomes a problem with the timing, Crump Reese could come to the Council with an explanation of the process and ask that the date be revisited.

Councilmember Holmgren asked if Crump Reese Motors is planning on building on this location, and not go somewhere else in town. Mr. Crump replied that this is the company’s current plan. The location has been laid out in a plot that has been shown to a General Motors representative from Phoenix. They have rights of approval. For Crump Reese Motors to move, GM has to approve the location specifically. When the location was shown to the GM representative, he said that GM would approve that location because it is close to the Freeway and close to an exit. Those are their requirements. Beyond that, nothing has been done.

Mr. Crump said that he was okay with the stipulation that they build within Tremonton City limits. He doesn’t know where else they would build, but if another location on Main Street became available, for instance, if the Five Star piece of property came up at a reasonable price, or another piece that is visible from the Freeway, they would try to put together some kind of land swap with the piece that they have, but it would still be within Tremonton City limits. They would hate to be locked into this if something more desirable were to come up.

Councilmember Wood stated that he would just hate to lose this piece of property because it is still prime property. The residents of Tremonton control it and own it. If the Council lets the property go, they would want to see a good business in that location. If Crump Reese Motors does decide to go somewhere else, he requested that Tremonton City have first option to do a land swap or buy the property back. Councilmember Wood added that the City of Tremonton loves the Crump Reese Motors business and doesn't want to lose it.

Manager Warnke apologized to Crump Reese for not sending the Resolution to them prior to the meeting for their review. It was an oversight. He then explained to the Council that there are several things the Council could do this evening. They could approve this Resolution and fill in the blanks knowing that a more formal Agreement will be brought back to the Council. Or, the Council could table this Agenda item.

Councilmember Rohde asked if there is a suggested price for the property. Manager Warnke responded that the Resolution could be passed with the stipulation that the price be stipulated in the formal agreement.

Councilmember Holmgren noted that this Resolution deals specifically with Crump Reese Motors, but the Council needs to consider C&R Auto's application as well. Councilmember Wood suggested that the Resolution be passed and then all the blanks be filled in later so Crump Reese knows they have the property.

Motion by Councilmember Holmgren to adopt Resolution No. 14-15 and authorize the disposal of five acres in Tremonton and owned by Tremonton City to Crump Reese Motors. Manager Warnke reminded the Council that the price needs to be determined and any change in the completion date needs to be included. **Motion amended to change the required construction completion date to January 1, 2020.** Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - abstain, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

Motion by Councilmember Rohde, in addition to the above motion, to allow C&R Auto to step into some kind of a negotiation with Tremonton City for the additional piece of property. The motion died for lack of a second. Mayor Fridal stated that the Council needs to put this on the agenda for discussion at a future meeting. Manager Warnke explained that there will need to be a Public Hearing and that will require a fourteen day public notice period.

- i. Discussion and consideration of Police Department property for disposal/donation – David Nance, Tremonton Police Chief

Chief Nance provided the Council with a list of unclaimed bicycles. These bicycles have been accumulating since 2011. The newest bicycle on the list was acquired about the middle of 2013. This is a good time of year to donate these bicycles to some kind of charity so they can be fixed up for Christmas.

Motion by Councilmember Wood to approve the disposal of these bicycles. Motion seconded by Councilmember Rohde. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

10. Comments:

- a. Administration/City Manager Advice and Consent.

There were no Advice and Consent items.

- b. Council Reports:

Councilmember Holmgren said that he thinks it is really important that the City was able to help Crump Reese and he wants C&R Auto to know that the Council wants to work with them, as well.

Councilmember Holmgren expressed appreciation to the Youth City Council for coming in and helping at the Library to get the flower beds ready for Fall. They did a great job.

11. **CLOSED SESSION:**

- a. **Strategy session to discuss pending and/or reasonably imminent litigation and the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms**

The Council did not move into Closed Session at this time.

12. Adjournment.

Motion by Councilmember Doutre to adjourn the meeting. Motion seconded by Councilmember Rohde. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 8:05 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Norene Rawlings.

Dated this _____ day of _____, 2014.

Darlene S. Hess, Recorder